

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Job #: 2024828

Attorney: McElroy, Deutsch, Mulvaney & Carpenter, LLP PH: (212) 483-9490
Address: 225 Liberty Street, 36th Floor New York, NY 10281

Trisura Insurance Company,

vs

Bighorn Construction and Reclamation, LLC, et al.,

Plaintiff,

Defendants.

Civil Action Number: 23-cv-11053

Date Filed:

Client's File No.: T0817-1001

Court Date:

Court Time:

STATE OF TEXAS, COUNTY OF MIDLAND, SS.:
Gabriel Ozuna, being sworn says:

AFFIDAVIT OF NON SERVICE

Deponent is not a party herein; is over the age of 18 years and resides in the State of Texas.

On 01/19/2024, at 2:30 PM at: 306 West Wall Street, Suite 500, Midland, TX 79701 Deponent non-served the within Summons in a Civil Action, Rider to Summons, Amended Complaint, Civil Cover Sheet, Civil Cover Rider Sheet and Amended or Supplemental Rule 7.1 Statement On: Cole Wayne Johnson, the therein named Defendant.

☐ #1 INDIVIDUAL

By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein.

☐ #2 SUITABLE AGE PERSON

By delivering thereat a true copy of each to , (), a person of suitable age and discretion. Said premises is recipient's: ☐ actual place of business / employment ☐ dwelling house (usual place of abode) within the state.

☐ #3 AFFIXING TO DOOR

By affixing a true copy of each to the door of said premises which is defendants ☐ actual place of business / employment ☐ dwelling house (usual place of abode) within the state. Deponent was unable with due diligence to find defendant or person of suitable age and discretion thereat having called there;

☐ #4 Corporation or Partnership or Trust or LLC or Entity

By delivering thereat a true copy of each to personally. Deponent knew said corporation/partnership/trust/LLC/Entity so served to be the corporation/partnership/trust/LLC/Entity described in said aforementioned document as said defendant and knew said individual to be thereof.

☐ #5 MAILING

On , deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known ☐ Actual Place of Residence ☐ Actual Place of Business, and deposited the envelope in an official depository, personally or via agency, under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.

☐ #6 DESCRIPTION

Sex: Color of skin: Color of hair: Glasses:
Age: Height: Weight: Other Features:

☐ #7 MILITARY SERVICE

I asked the person spoken to whether defendant was in active military service of the United States or the State of New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

☐ #8 WITNESS FEES

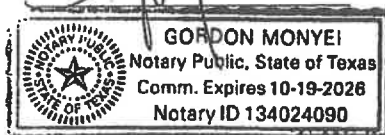
Subpoena Fee Tendered in the amount of

☒ #9 OTHER

Upon arrival at this location, suite 500 and the entire floor was under construction. No further information was found.

Sworn to before me on

Feb 23, 2024



Gabriel Ozuna
PSC# 22263

PROCESS SERVICE, LLC, 646 SOUTH 9TH STREET, LINDENHURST, NY 11757